IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 12813 of 2004

Between:

G. Rama Rao, S/o. Venkata Ratnam,
R/o. Quarter No. SD-427, J.K. Colony, Yellandu 507 123.

..... PETITIONER

AND

1 The Singareni Collieries Co. Ltd., Rep. by its Managing Director
Kothagudem, Khammam District.
2 The General Manager (Projects) The Singareni Collieries Co. Ltd.,
Yellandu Area, Khammam District.
3 Central Industrial Tribunal-cum- Labour Court, Hyderabad
Government of India, Ministry of Labour, M-2 Block, Manoranjan Complex,
M.J. Road, Hyderabad 500 001 Rep. by its Presiding Officer.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or Writ particularly one in the nature of Writ of Mandamus or any other appropriate Writ quash the award in so far prescribing that the petitioner herein has to produce the original driving licence on or before 31st January, 2004 as arbitrary and consequently direct the respondent to appoint the petitioner in terms of award in L.C.I.D. No. 15/2001 dated 2-12-2003 duly treating that the representation of the petitioner dated 15-3-2004 is in compliance with award of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad in L.C.I.D.No. 15/2001 dated 2nd December, 2003.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondent Nos.1&2: MR.K.SRINIVASA MURTHY

Counsel for the Respondent No.3: Mr. P.Appa Rao (Addl.S.C. for Central Govt.)

The Court at the stage of admission made the following:

HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.12813 OF 2004

ORAL ORDER:

The petitioner worked as E.P. Operator. He was promoted as E.P. Operator Grade-"C" with effect from 06-03-1991. He obtained driving licence from the Regional Transport Authority, Hyderabad in 1981. On the basis an enquiry conducted by the Regional Transport Authority on the ground that he produced a non-genuine driving licence, he was dismissed from service by the respondents 1 and 2 on 10-07-2000.

2. Aggrieved by the order of the respondents, the petitioner raised an industrial dispute before the Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad in L.C.I.D.No.15 of 2001. The Tribunal passed an award on 02-12-2003 directing the petitioner to file the original driving licence dated 14-09-1995 before the respondents 1 and 2 on or before 31-1-2004 and further directed that the respondents 1 and 2 shall enquire into it whether the fresh licence is genuine by 30-04-2004 and if the said licence is found genuine, he shall be appointed as a fresh E.P. Operator on or before 01-05-2004. The award of the Tribunal was directed to be published in the Gazette on or before 07-02-2004 and the copy of the said order was communicated to the petitioner on 04-03-2004, which was received by the petitioner on 15-03-2004. On the same day the petitioner produced the original driving licence before the second respondent and requested him to arrange to complete all the exercise and appoint him as E.P. Operator as per the award of the Tribunal.

3. The second respondent passed the impugned order on 23-05-2004 and it reads as follows:

> "As per the above award, you have to file your original driving license dated 14-9-1995 on or before 31st January, 2004 before the respondent. You have failed to comply with the Tribunal order, and submitted your representation dt.15-3-2004 on 16-03-2004 enclosing there with the D.L.No.DLRAP 02066222003 issued on 24-04-2003 this act of yours is not compliance with the directions

given in. Hence, your case does not deserve any merit much less for providing appointment as E.P. Operator."

4. The Industrial Tribunal heard the matter and the copy of the award was communicated to the petitioner on 15-03-2004. Till the date of communication, it is supposed to be confidential, therefore, there will not be any scope for the petitioner to know as to what was the direction given by the Industrial Tribunal regarding the production of the original licence before the second respondent. Though it is mentioned in the award that the original driving licence shall be produced before the second respondent on or before 31-1-2004, there was no possibility for the petitioner to produce the same as directed by the Tribunal. There is no delay caused by the petitioner in causing production of the original licence from the date of receipt of the copy of the award. Therefore, it cannot be said whether there were any laches on the part of the petitioner in complying the direction given by the Industrial Tribunal regarding the production of the original driving licence within a particular date. It is therefore, just and reasonable to set aside the impugned order of the second respondent dated 23-05-2004, and I am also inclined to direct the second respondent to pass appropriate orders.

5. In the result the Writ Petition is allowed. The second respondent is directed to treat the production of the original driving licence is in accordance with the direction of the Industrial Tribunal, and pass appropriate orders by taking into consideration the other relevant aspects regarding the appointment of the petitioner as a fresh E.P. Operator within three months from the date of receipt of a copy of this order. No costs.

Dr. G.YETHIRAJULU, J.

23rd July, 2004.

SKM

Note:

C.C. by One week.

B/O.

Skm

TO

1 The Managing Director, Singareni Collieries Co. Ltd
Kothagudem, Khammam District.
2 The General Manager (Projects) The Singareni Collieries Co. Ltd.,
Yellandu Area, Khammam District.
3 The Presiding Officer, Central Industrial Tribunal-cum- Labour Court,

Hyderabad, Government of India, Ministry of Labour, M-2 Block,

Manoranjan Complex, M.J. Road, Hyderabad 500 001.

4 Two C.D.Copies.